

REMARKS

The examiner had indicated the allowability of claims 24-36 in a notice of allowance mailed on June 9, 2004. As a result of the amendment filed on or about April 30, only claims 1 and 24-36 had been pending.

Applicants herewith have amended the claims to cancel claim 1. Claim 1 had previously been merely withdrawn, hence the cancellation deals with mere informalities. Independent claim 24 has been amended to identify in the preamble that the plurality of tracks are accessed according to a hierarchy instead of organized according to a file hierarchy. Applicants believe that this amendment should be entered for at least the reason that it helps clarify the invention and that the amended claim with the change in only two words is allowable for the same reasons as the previously presented claim was found to be allowable by the Examiner. Further, the claim is patentable over the art of record for at least the reason that Grewe doesn't teach or suggest displaying categories or subcategories in a display screen.

Dependent claim 35 has been amended to overcome any problems as to explicit antecedent basis for the phrase "the item accessed" and hence largely deals with informalities. Dependent claims 37, 38, and 39 are new claims, all of which are dependent from independent claim 24. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers (35 USC 112.) These claims add a further limitation to independent claim 24 and thus help clarify applicant's invention. Since the added claims are dependant claims, applicants submit that this reason alone strongly supports their entry. In particular, MPEP section 714.16 notes in pertinent part as follows:

"Where claims added by amendment under 37 CFR 1.312 are all of the form of dependant claims, some of the usual reasons for nonentry are less likely to apply."

The dependent claims depend from an allowed independent claim (claim 24) and are therefore patentable for at least the same reason as the independent claim 24. Support for the amendments may be found in the drawings, FIGS. 1,3, 7, 10-11, their associated descriptions, and throughout the specification, in particular the abstract and page 8. They

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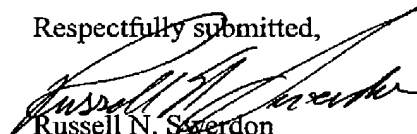
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add no new matter. The amendments to claim 35 had not been submitted previously because the lack of proper antecedent basis for the terms used had not been noticed previously. Allowed claims 24-36 had first been presented in the amendment recently filed on April 30, 2004 (in response to a restriction requirement) and thus had not been previously involved in any discussions or communications between the examiner and applicants. Applicants submit that the amendments to add dependent claims 37-39 are proper to help clarify and disclose applicant's invention.

Conclusion

Applicants believe that entry of the amendment is proper and respectfully request that the application not be withdrawn from issue. Applicants respectfully request that the primary examiner recommend entry of the amendment as provided by the guidelines set forth in MPEP Section 714.16(a), including the claim amendments discussed above and the entry of replacement formal drawings, FIGS. 9-13, as discussed in the drawings amendment section. Applicants believe that consideration of the matters presented herein will not require any substantial amount of additional work on the part of the Office and are needed for proper disclosure of the invention. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Applicants' undersigned attorney at the telephone number set out below.

Respectfully submitted,


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